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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,076	03/19/2007	Daniel Wild	5001-1246	4721
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YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER PHAN, THANH S	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,076	Applicant(s) WILD, DANIEL	
	Examiner Thanh S. Phan	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/03/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 9, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, 19 and 20, the applicant claimed a "sphere". However, as shown in the figure this "sphere" is not a positive structural limitation since it is not defined by a component of the device.

Regarding claims 9 and 10, the applicant fails to defined or illustrate what is considered as the "anchoring elements". It is unclear from the specification and the drawing what are these elements and their structural relationship with the other components of the device.

Regarding claim 13, the applicant recites "to suppress the **play** between said flanks". It is unclear what is the applicant intended with the "play" recitation.

Furthermore, the claims are generally narrative and indefinite. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Clarifications/corrections are needed.

2. As best understood by the examiner, the following art rejections are made:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 11, 12, 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller [US 2006/0034161].

Regarding claim 1, Muller discloses a timepiece comprising a frame [2] in which a watch case [7] is mounted in reversible manner, characterised in that the watch case is rotatable within the frame around a determined axis [at pivot point 9] traversing the flank of the watch case [7] and the inner flank of the frame, and in that said flanks of the watch case and of the frame substantially are parts of a same surface of revolution around the determined axis [as shown in figures 3b&c].

Regarding claim 2, Muller discloses that the determined axis (22) is an axis of symmetry for each of said flanks [as shown in figures 1 and 2].

Regarding claim 3, Muller discloses that said flanks have substantially a same constant height [as shown in figures 3f and 3c].

Regarding claim 4, Muller discloses that said flanks are parts of a sphere [when the case is rotating], the centre of which is a point located on the determined axis.

Regarding claim 5, Muller disclose that said flanks each consist of two first, opposite flank parts [opposite portions of the flank] located on either side of the determined axis, and of two second, opposite flank parts intersecting the determined axis and interconnecting the first flank parts, each second flank part together with each first flank part defining a shape discontinuity [as shown in figures 3d&e].

Regarding claim 6, Muller discloses that the frame [2] is closed [as shown in figure 3a].

Regarding claim 11, Muller discloses the determined axis coincides with the axis of a crown's tube [wherein crown 5 resides] associated with the watch case [2, 7], this crown's tube traversing the wall of the frame and having a first end housed in the watch case and a second end associated with a setting crown [5] outside the frame [2].

Regarding claim 12, Muller discloses at least one friction joint [contacting point of 2 and 7] housed in the flank of the watch case or in the inner flank of the frame, in order to offer friction with the inner flank of the frame or with the flank of the watch case, respectively, upon rotation of the watch case in the frame.

Regarding claim 15, Muller discloses a support [34] provided with elements for attachment to a bracelet, and in that the frame is articulated at one of its ends with one end of the support, so as to be able to assume a rest position where the frame is

superimposed upon the support, and an open position allowing the watch case to be turned over in the frame.

Regarding claim 16, Muller discloses means [12] for unlockably locking the frame in its rest position.

Regarding claim 17, Muller discloses means for unlockably locking the frame in its rest position comprise ratchet elements housed in two crown-protecting projections of the support that are located on either side of a setting crown associated with the watch case [as shown in figure 5].

Regarding claim 18, Muller discloses a wristwatch [1].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller.

Regarding claim 7, Muller discloses the claimed invention except for the frame [2] consists of two frame parts superimposed and assembled, the two frame parts making possible an assembly of the watch case in the frame. Although, Muller does not disclose

two separate hafts/parts as the claimed invention, it would have been obvious to one of ordinary skill in the art to make the one-piece frame of Muller into plural pieces since applicant has not disclosed that having two parts frame instead of one-piece frame as disclosed by Muller solves any stated problem or is for any particular purpose and it appears that the timepiece would perform equally well with the one-piece frame supporting the watch case, and further, it has been held to be within the general skill of a worker in the art to make singular part as plural parts as a matter of obvious engineering choice. *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969).

Regarding claim 8, Muller discloses that the frame [2] comprises a blind hole [recess wherein pivot 9 resides] with hemispherical bottom. Although, Muller does not disclose two separate hafts/parts/holes as the claimed invention, it would have been obvious to one of ordinary skill in the art to make the one-piece frame of Muller into plural pieces since applicant has not disclosed that having two parts frame instead of one-piece frame as disclosed by Muller solves any stated problem or is for any particular purpose and it appears that the timepiece would perform equally well with the one-piece frame supporting the watch case, and further, it has been held to be within the general skill of a worker in the art to make singular part as plural parts as a matter of obvious engineering choice. *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969).

Allowable Subject Matter

7. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the claim recites, inter alia, " a bezel and a back cover or a second bezel assembled to one another, as well as a clock work movement supporting ring housed between the bezel and the back cover or second bezel, in that the first and second annular gaskets are kept in compression between the bezel and the ring, respectively, and in that a third annular gasket is kept in compression between the bezel" in conjunction with the remain limitations of claims 1 and 14. The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chauvot [US 1,930,416] discloses a sliding and pivoting wristlet watch; Imgriith et al. [US 4,236,239]; Girardin et al. [US 2006/0018202]; Bouille [US 2006/0126445].

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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